IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALICIA GEERLINGS, as the Parent and/or Natural Guardian of QWG, a minor 738 Laurel Lane Wayne, PA 19087,	: : : :					
ANDREW McLELLAN, as the Parent and/or Natural Guardian of HM, a minor 4159 Whitehorse Road Malveren, PA 19355,	NO					
SARAH MARVIN, as the Parent and/or Natural Guardian of HA, a minor 1451 Russell Road Paoli, PA 19301,	: : : :					
and	: :					
DAVID GOVERNANTI, as the Parent and/or Natural Guardian of SG, a minor 111 Sugartown Road Devon, PA 19333	: : : :					
Petitioners,	:					
vs.	: :					
TREDYFFRIN/EASTTOWN SCHOOL DISTRICT, 940 W Valley Road #1700 Wayne, PA 19087	· : : : : :					
Respondent.	· :					
PROPOSED ORDER						

AND NOW, this _____ day of _____, 2021, upon consideration of Plaintiffs' petition for TRO and preliminary injunction, and defendant's opposition thereto, the following DECREE is ENTERED:

1. It appearing that the Pennsylvania Department of Health lacks regulatory authority to require healthy individuals who are not infected with a communicable disease to wear mask to prevent the transmission of Covid-19 in schools, the Tredyffrin/Easttown School

District is temporarily restrained from carrying out the Department of Health's August 31, 2021 Order insofar as it requires universal masking in schools, pending a full hearing on the matter.

- 2. It appearing that the Tredyffrin/Easttown School District also lacks regulatory authority to require healthy individuals who are not infected with a communicable disease to wear mask to prevent the transmission of Covid-19 in schools, the Tredyffrin/Easttown School District is temporarily restrained from carrying out its Covid-19 Mitigation Plan insofar as it requires universal masking in the district's schools, pending a full hearing on the matter.
- 3. It appearing that the August 31, 2021 Order unfairly discriminates against conscientious religious objections to earing face coverings by exempting only certain secular activities from the mask requirement, the Tredyffrin/Easttown School District is temporarily restrained from granting any exemptions from the mask requirement unless a religious exemption is also made available.
- 4. Any religious exemption may not be conditioned on submitting to different treatment than is required for secular exemptions. Thus, if weekly testing is required for a religious exemption, it must be required for a sports exemption or musical performance exemption.
- 5. It appearing that a blanket waiver of medical privacy rights under HIPAA is required to obtain a medical exemption from the mask requirement and that such waiver is overbroad and arbitrary, the Tredyffrin/Easttown School District is temporarily restrained from using its medical exemption form.
- 6. Masks wearing in the Tredyffrin/Easttown School District shall be optional and at the discretion of the parents for the safety of the child.

J.			